## BEFORE THE FISH AND WILDLIFE COMMISSION OF THE STATE OF MONTANA

In the matter of the amendment of	) NOTICE OF PUBLIC HEARING C	۱(
ARM 12.6.2208 and 12.6.2215	) PROPOSED AMENDMENT	
pertaining to exotic species	)	
classification	)	

TO: All Concerned Persons

- 1. On May 21, 2014 at 7:00 p.m., the Fish and Wildlife Commission (commission) will hold a public hearing at the Fish, Wildlife and Parks Headquarters, 1420 East 6th Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rules.
- 2. The commission will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than May 2, 2014, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Department of Fish, Wildlife and Parks, PO Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-9785; fax (406) 444-7456; or e-mail jesssnyder@mt.gov.
- 3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:
- <u>12.6.2208 LIST OF CONTROLLED SPECIES</u> (1) The following birds are classified as controlled species:
  - (a) through (g) remain the same.
  - (h) Coturnix genus (old world quail);
  - (h) through (s) remain the same but are renumbered (i) through (t).
  - (2) remains the same.
  - (3) The following mammals are classified as controlled species:
  - (a) Wallaroo Macropus robustus.

<u>AUTH</u>: 87-5-704, 87-5-705, 87-5-712, MCA <u>IMP</u>: 87-5-705, 87-5-707, 87-5-709, 87-5-711, 87-5-712, MCA

- <u>12.6.2215 LIST OF PROHIBITED SPECIES</u> (1) The following amphibians are classified as prohibited species:
  - (a) African clawed frog Xenopus laevis; and
  - (b) North American bullfrog Rana catesbeiana.; and
  - (c) Red-eared slider Trachemys scripta elegans.
  - (2) and (3) remain the same.
  - (4) The following mammals are classified as prohibited species:
  - (a) Argali sheep Ovis ammon;
  - (a) through (i) remain the same but are renumbered (b) through (j).

- (i) (k) Southern flying squirrel Glaucomys volans; and
- (I) Transcaspian urial sheep Ovis aries vignei; and
- (k) remains the same but is renumbered (m).
- (5) and (6) remain the same.
- (7) The following birds are classified as prohibited:
- (a) California quail Callipepla californica;
- (b) Gambel's quail Callipepla gambelii.

<u>AUTH</u>: 87-5-704, 87-5-705, 87-5-712, MCA

IMP: 87-5-707, 87-5-708, 87-5-711, 87-5-712, MCA

REASON: The commission has authority to adopt rules regarding the importation, possession, and sale of exotic wildlife as recommended by the "classification review committee" (committee). The committee may recommend that a species be classified as noncontrolled, controlled, or prohibited for importation, possession, and sale to protect Montana's native wildlife and plant species, livestock, horticultural, forestry, agricultural production, and human health and safety from the harmful effects of unregulated exotic animals. If the commission approves the committee's recommendations, the commission begins administrative rulemaking to incorporate the recommendations into the classification lists.

The commission is proposing adding old world quail and wallaroo to the list of controlled species. The commission is proposing adding red-eared sliders, argali sheep, transcaspian urial sheep, California quail, and Gambel's quail to the list of prohibited species.

- 4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Department of Fish, Wildlife and Parks Enforcement Division, PO Box 200701, Helena, Montana, 59620-0701; fax (406) 444-7894; or e-mail milee@mt.gov, and must be received no later than May 30, 2014.
- 5. Michael Lee or another hearing officer appointed by the department has been designated to preside over and conduct these hearings.
- 6. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, PO Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the department.
- 7. An electronic copy of this proposal notice is available through the Secretary of State's web site at http://sos.mt.gov/ARM/Register. The Secretary of State strives to make the electronic copy of the notice conform to the official version

of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

- 8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.
- 9. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Aimee Fausser Aimee Fausser Rule Reviewer /s/ Dan Vermillion
Dan Vermillion
Chairman
Fish and Wildlife Commission

Certified to the Secretary of State April 14, 2014.